



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No. 1915.17US03

MORRIS

Application No.: 10/805,686

Group Art Unit: Unknown

Filed: 19 March 2004

Examiner: Unknown

For: ROOF BATTEN

Reissue of U.S. Patent No.: 6,357,193

Issued: 19 March 2002

CONSENT OF ASSIGNEE TO REISSUE AND STATEMENT UNDER 37 C.F.R. § 3.73(b)

Mail Stop REISSUE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby declare that:

1. I am authorized to act on behalf of the Assignee, Diversi Plast Products, Inc., a corporation organized and existing under the laws of the State of Minnesota, and having its principal offices at 7425 Laurel Avenue, Golden Valley, Minnesota 55426.
2. The title of my position with the Assignee is stated below.

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3. The inventor of the subject matter described and claimed by U.S. Patent No. 6,357,193 is Richard J. Morris, a Citizen of the United States residing at 15987 Island View Road, Prior Lake, Minnesota 55372.
4. The entire right, title, and interest to U.S. Patent No. 6,357,193 is vested in the assignee as documented in an Assignment by the inventor, Richard J. Morris and recorded by the Assignment Division of the U.S. Patent & Trademark Office at Reel 010637, Frame 0522, a copy of said assignment attached hereto.
5. I believe Richard J. Morris to be the original and first inventor of the subject matter described and claimed in U.S. Patent No. 6,357,193, for which a reissue patent is sought on the invention entitled ROOF BATTEN.
6. U.S. Patent No. 6,357,193 was filed as U.S. Patent Application No. 09/465,099 on 16 December 1999.
7. The specification of the above-identified Reissue Application was filed on 19 March 2004 as reissue application number 10/805,686 and was amended by a preliminary amendment filed therewith.
8. I have reviewed and understand the contents of the above-identified specification, including the claims as amended by the preliminary amendment.

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9. I acknowledge the duty to disclose information material to patentability as defined in 37 C.F.R. § 1.56.

10. I verily believe U.S. Patent No. 6,357,193 to be wholly or partly defective by reason of a defective specification. In one instance of a defective specification, claim 2, before being amended, recited "the second ply includes a multiplicity of cross plies extending between the first plies,"

- i. Claim 1, from which claim 2 directly depends, recites "a generally planar first ply and a second ply,"
- ii. Hence, claim 2 is indefinite because it is impossible for a multiplicity of cross plies to extend between a single first ply, as recited in claim 1.

11. I further and verily believe U.S. Patent No. 6,357,193 to be wholly or partly inoperative by reason of the patentee claiming more or less than the patentee had a right to claim in the patent.

- a. In one instance of claiming more or less than the patentee had a right to claim in the patent, the material of which first and second ply comprise is not provided.
- b. In another instance of claiming more or less than the patentee had a right to claim in the patent, the orientation of the cross portions with respect to the first ply are not recited.

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12. All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

13. I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

James H. Patterson (30,673), John F. Thuent (29,595), Wm. Larry Alexander (37,269), Kimberly K. Baxter (40,504), Eric H. Chadwick (41,664), Randall T. Skaar (42,151), Douglas J. Christensen (35,480), Curtis B. Herbert (45,443), Michael A. Bondi (39,616), Paul C. Onderick (45,354), Brad D. Pedersen (32,432), Scott G. Ulbrich (48,005), Peter S. Dardi (39,650), Jose W. Jimenez (31,113), Matthew T. Macari (50,291), Thomas G. Dickson (51,616), Bradley J. Thorson (52,288), J. Paul Haun (53,003), Wendy J. Cusick (52,788), Irene B. Eckert (52,848), Brian L. Jarrells (53,067), Tye Biasco (53,989), Kam W. Law (44,205), Amy M. Salmela (55,910), and Kyle T. Peterson (46,989).

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Minneapolis, Minnesota 55402-2100

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 06-28-2004

DIVERSI PLAST PRODUCTS, INC.

By: David H. LenzenDavid H. Lenzen
Executive Vice President

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 703 822-9306 on the date shown below.

8-25-04
Date

Michelle Arcand
~~Wm. Larry Alexander~~ Michelle Arcand

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